

# **BARBHAG COLLEGE STUDENT UNION ELECTION RULES, 2022**

(Approved and adopted vide Barbhag College Governing Body Resolution No 3 (b) of the meeting dated 29/11/2022)



2022

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### Preamble:

WHEREAS the Hon'ble Supreme Court of India has rendered its Judgment dated 22 September 2007 in the SLP (CIVIL) No. 24 295 of 2004 in the case of College of Kerela vs Council, Principals of Colleges, laying down the guidelines regarding holding of election to the office bearers to the College Students Union Societies and whereas the Hon'ble Gauhati Court in W.P(C) 5963/2013, has also directed for implementation of Clause 6.1.8 of the J.M. Lyngdoh Committee Report till further orders of the Hon'ble Supreme Court. NOW THEREFORE, in implementation of the judgment of the Hon'ble Supreme Court and the Hon'ble Gauhati High Court arid in compliance of the instructions of the Government of Assam, the authorities of the Barbhag College, Kalag, Nalbari make the following Rules:

- I. Short title, extent and commencement:
- These Rules shall be called the Barbhag College Students' Union Election Rules, 1. 2022.
- These Rules shall extend to and apply to all the students of the Barbhag College. 2.
- These Rules shall come into force on this 29th day of November 2022. All the 3. previous rules, instructions and guidelines issued in connection with matters relating to or ancillary to the elections to the Offices of the Barbhag College Students' Union shall cease to have any force and all such matters shall henceforth be governed by the Barbhag College Students 'Union Election Rules, 2022.

II. Office in respect of which election shall be held:

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Election shall be held in respect of the following offices:

- President i)
- ii) Vice President
- General Secretary iii)
- iv) Assistant General Secretary
- Editor, Barbhag College Magazine v)
- Secretary, Boys' Common Room vi)
- Secretary, Girls' Common Room vii)
- viii) Secretary, Debate
- ix) Secretary, Social Service
- Secretary, Art and Culture X)
- xi) Secretary, Games
- xii) Assistant Secretary, Games

# III. Frequency of election process:

- The election shall be held on a yearly basis and as far as practicable, between 6 to 8 1. weeks from the date of commencement of the academic session.
- The entire process of election, commencing from the date of filing of nomination 2. papers to the date of declaration of result, including the campaign period, should not exceed more than 10 working days.
- In the event of the office of any major post (President, Vice President, General Secretary, 3. Editor Barbhag College Magazine and Secretary Debate and Symposium) of the office bearer(s) falling vacant within two months of election, re-election shall be conducted; otherwise the Vice President, Barbhag College Student Union will be promoted to the post of President and the Assistant General Secretary to the post of General Secretary as the case may be.

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- 4. In the event of the office of any major post of the office bearer(s) falling vacant after two months of elections, the same shall be filled up by nomination by the office bearers(s) in a special meeting to be called for the purpose and which must be approved by a majority of at-least 50% of the office bearers present and voting. The meeting may be convened in consultation with the Principal, Barbhag College.
- In case of the office of any other post of the office bearer(s) falling vacant, the same 5. shall be filled up by nomination by the office bearers in a special meeting to be called for the purpose and which must be approved by a majority of at least 50% of the office bearers present and voting. The meeting may be convened in consultation with the Principal, Barbhag College.
- 6. If no candidates are eligible to contest a post in the election, and the Academic Monitoring Committee believes that a reelection could negatively impact the college's academic environment, the Principal, in the best interest of both the students and the college, may appoint students to fill such posts. These appointments will be based on merit and/or their participation in co-curricular activities from the previous year.

#### IV. Eligibility of candidates:

- The candidate shall have one opportunity to contest for the post of the office bearer. 1.
- Students of (i) HS and Under Graduate (BA/BSc) between the ages of 16 to 22 years. 2.
- The candidates should in no event have any financial dues to the college and should 3. not have any academic arrears for contesting the election. The academic arrear shall include the students who have dropped from any final/end-semester examination or required to clear any back paper.
- The candidates and their Proposers/Supporters shall have to attain a minimum 4. percentage of attendance of 75% or such percentage of attendance as prescribed by the

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Assam Higher Secondary Education Council and the Gauhati University, whichever is higher, for the current academic session, as on the date of Election Notification. The attendance will be counted from the date of issuing the students attendance register till the date of notification of the Election of the college. The estimation of student attendance for election purposes will be based on the period starting from the day the attendance register is issued, which will be considered as the first day, to the date when the election notification is announced, which will be regarded as the last day for counting student attendance.

Each candidate and his/her proposer/supporter will have to procure attendance certificates from HoDs of all subjects offered by him/her, and the certificates will have to be enclosed with the nomination papers.

- 5. During the period of election, no person, who is not a regular student of the college, shall be permitted to take part in the election process in any capacity. Any person, candidate, or member of the student organization violating this rule shall be subject to disciplinary proceedings, in addition to forfeiture of his/her candidature as the case may be.
- 6. The elected union body shall only comprise of regular students of Barbhag College.
- 7. The candidate shall not have any previous criminal record and/or he/she should not have been subject to any disciplinary action by the college.
- 8. The candidate must be a regular full time student of the Barbhag College and should not be a student of distant/proximate education/Add on course, that is to say, all eligible candidates must be enrolled in a full time course.

A regular student is one who has enrolled in the current academic year. Even if a student has no pending arrears or backlogs in any subject, they cannot be considered a regular student if they have

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not enrolled in the present academic year on or before the date of announcement of the election notification.

9. The students belonging to HS 1st year. UG 1st, 2<sup>nd</sup> and 3<sup>rd</sup> year shall be eligible for the office bearers of BCSU. Students belonging to HS 1<sup>st</sup> year shall be eligible to contest only for the offices of assistant general secretary and assistant secretary games. Students belonging to UG 3<sup>rd</sup> year shall be eligible only for the offices of president and vice president. Students from classes other than UG 3<sup>rd</sup> year shall not be eligible to contest for the offices of president and vice president. The Post of Vice President and Secretary Girls Common room shall be reserved for girl students of the Barbhag College.

# V. Barbhag College Students' Union Election Commission:

- 1. The Barbhag College Students' Union Election shall be conducted by the Barbhag College Students Union Election Commission to be formed by the college authority for a term of one year. The composition of the committee shall be as following:
  - i. Chief Election Commissioner: Principal (Ex-Officio)
  - ii. Assistant Election Commissioner: Vice Principal (Ex-Officio)
  - iii. Returning Officer: An Associate / Assistant Professor nominated by the Principal/Chief Election Commissioner in consultation with the Academic Monitoring committee.
  - iv. Member: IQAC Co-Ordinator (Ex-Officio)

Co-Ordinator, Academic Monitoring committee (Ex-Officio)

2. The Returning Officer will conduct the entire election process in coordination with the Barbhag College Students' Union Election Commission. All officers, including the Presiding Officer, involved in the election process will be appointed by the Returning Officer.

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#### Submission of the Nomination paper: VI.

A contesting candidate must submit the nomination paper in the prescribed format issued by Barbhag College Students' Union Election Commission within the stipulated time. A candidate may submit a maximum of 3 (three) sets of duly filled up nomination papers.

## Scrutiny of the Nomination papers:

The scrutiny of the nomination papers shall be done by a team of faculty members appointed by the College authority and the provisional list of contesting candidates shall be published by the Returning officer on the same or next day.

### VIII. Rejection of Nomination paper:

Nomination papers shall be rejected on the following grounds:

- Failure on the part of the candidate to submit along with the nomination paper-1.
  - Clearance certificates in origin for attendance from HoDs and Hostel dues (as (i) applicable).
  - Self attested photocopy of mark sheets/grade sheets of the candidate. (ii)
  - Self attested Photocopy of the clearance certificates of College fees. (iii)
  - Clearance certificates in origin for attendance from HoDs and Hostel dues (as (iv) applicable) of the Proposer and the supporter.
- Failure on the part of the candidate, the proposer and the supporter to sign their names in Full. 2. Signing in block letters shall also lead to rejection.
- Failure to write the name of the office clearly, correctly and in exact form as it appears in 3. Election notification.
- Making a false declaration in the nomination paper shall lead to the forfeiture of voting right 4. of the student in the election.

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#### Withdrawal of Nomination paper: IX.

Withdrawal of candidature shall have to be made jointly by the candidate and the proposer in the prescribed format in presence of the Returning Officer, Barbhag College Students' Union Election Commission.

#### X. Code of conduct:

- No candidate shall indulge in, nor shall abet, any activity, which may aggravate 1. existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic, or between any group(s) of students.
- Criticism of other candidates, when made, shall be confined to their policies and 2. programs, past record and work. Candidates shall refrain from criticism of any aspects of the private life which is not connected with the public activities of the other candidates, or their supporters based on unverified allegations or distortion.
- There shall be no appeal on caste or communal feeling for securing votes. Place of 3. worship within or outside the campus shall not be used for election propaganda.
- All candidates shall be prohibited from indulging in or abetting any activities which, are 4. considered to be "corrupt practices" and offenses, such as bringing of voters, intimidation of voters, impersonation of voters, canvassing or the use of propaganda within -100 meters of polling station, holding public meeting during the period of 24 hours ending with the hour fixed for the close of the poll, and providing of transport and conveyance to voters to and from polling station.
- No candidate shall be permitted to make use of printed posters, printed pamphlets, or any 5. others printed material for the purpose of canvassing. Candidates may only utilize handmade posters procured within the expenditure limit set out in these Rules.

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- 6. Candidates may only utilize handmade posters at certain places in the campus, which may be notified in advance by the Barbhag College Election Commission constituted by the College authority.
- 7. No candidate shall be permitted to carry out processions or hold public meetings, or in any way canvass or distribute propaganda materials outside the College campus.
- 8. No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the College.
- Campaigning inside the class room is strictly prohibited.
- The use of loudspeakers, vehicles and animals for the purpose of canvassing is strictly prohibited.
- 11. On the day of polling, student organization and candidates shall:
- i) Co-operate with the officers on election duty to ensure peaceful and orderly polling and provide complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
- ii) Not be allowed to serve or distribute any eatables, or other solid and liquid consumable, except water.
- 12. Except the voters, no person without a valid pass/letter of authority from the Election Commission of the College shall enter the polling rooms.
- 13. The Election Commission of the College shall appoint impartial observers to oversee the process of nomination of the candidates and smooth conduct of the election. If the candidates have any specific complain or problem regarding the conduct of the election, they may bring the same to the notice of the observers and Grievance Redressal Committee of Barbhag College (Clause XVIII)

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- All candidates shall jointly be responsible for ensuring the cleaning up of the polling 14. area within 48 hours of the conclusion of polling.
- No candidate or student voter will publish any matter related to the election conduct 15. committee or their decision thereof. any social media platform (Facebook, Whatsapp, Instagram, etc.) without prior written permission from the Chief Election Commissioner. The Barbhag College Students' Union Election Commission may take suomoto cognizance of any such matter and may initiate proceedings against a student violating this clause. Violation of this clause may render a student liable to be disqualified from contesting any college election.
- Any contravention of any of the above recommendations may make the candidate 16. liable to be stripped of his/her candidature, or his/her elected post, as the case may be. The Barbhag College Election Commission may also take appropriate disciplinary action against such a violator.

## XI. Casting of Votes:

Voting shall be done on the date of the election from 8.30 am to 1 pm in some venues fixed by the Barbhag College Students' Union Election Commission. One or more faculty members shall act as the presiding officers. After the stipulated time the ballots boxes shall be sealed properly and return the boxes to the returning officer along with account of ballots and other papers. Sealed boxes shall be kept in the safe custody of the Chief Election Commissioner till the counting of votes.

# XII Counting of ballots:

Counting of ballot papers shall be done on the same working day. The Returning Officer shall appoint the required counting officers from among the faculty members of Barbhag College.

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Counting agents (one for each candidate) duly appointed by the candidate and approved by the Presiding Officer can witness the counting procedure.

### XIII Declaration of result:

After the counting is over, Returning Officer shall handover the result to the Principal Barbhag College and the final result shall be notified by the Principal Barbhag College, who is the ex-officio Chief Election Commissioner.

### XIV Recounting of ballots:

Any objection related to the counting of ballots shall have to be raised by the duly appointed counting agents during the counting process. For recounting the candidate shall submit application in support of his/her demand to the returning officer before the declaration of the result. Final decision of recounting of votes shall be taken by the Barbhag College Students' Union Election Commission.

### XV Power to vote:

- All the regular students of Barbhag College will have the power to vote in Barbhag a. College Student Union election.
- Identity Card with photograph issued by the Authorized officers of the College must be b. produced by the voters before casting vote. Otherwise, he/ she will not be allowed to cast his/her vote. In rare cases, where a voter doesn't carry the identity card with him/her, the Presiding Officer may allow him/her to vote on production of admission receipt of the current academic session.

# XVI Election Related expenditure :

The maximum permitted expenditure per candidate shall be Rs. 5000/- (Five Thousand Only)

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- 2. Each candidate shall submit complete and audited accounts, certified by the candidate himself/herself to the Election Commission of the College within 14 days of the declaration of the result.
- 3. The election of the candidate will be nullified in the event of any non compliance or in the event of any excessive expenditure.
- 4. With the view to preventing the inflow of funds from political parties into the student election process, the candidates are specially barred from utilizing funds from any other sources.

### XVII. Non-compliance/violation of the Rules:

Any contravention of any of the above recommendations may make the candidate liable to be stripped of his candidature, or his elected post as the case may be. The Barbhag College Students' Union Election Commission may also advise the College authority to take appropriate disciplinary action against such a violator. In addition to the above, a candidate may also be prosecuted for any violation under provision of the Indian Penal code, 1860 (Section 153 And Chapter IX A "offenses Relating to Election") if it is so decided by the Principal in consultation with the Election Commission.

## XVIII. Grievance Redressal Mechanism:

- There shall be a Grievance Redressal Cell (GRC) to be constituted by the Principal of the College comprising the following:
  - a) Vice-Principal or one faculty member as the Chairman.
  - b) Three senior faculty members including at least one lady member,

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c) Two final year students: one male and one female (till the election results are declared, students can be nominated on the basis of merit and/ or participation in the co-curricular activities in the previous year).

The GRC shall be mandated with the redressal of election related grievance, including, but not limited to breaches of the code of conduct of elections and complaints relating to election related expenditures.

- In pursuit of its duties, the GRC may advise the Principal of the College to lodge FIR 2. before the police authority, prosecute violators of any aspect of the code of conduct or the ruling of the Grievance cell.
- 3. In carrying out the duties of the office, the GRC shall conduct proceedings and hearing necessary to fulfill those duties. In executing those duties they shall have the authority:
- to issue notice to compel candidates, agents, and workers, and students to appear and i. give testimony, as well as produce necessary records; and
- to inspect the financial reports of any candidate and make these records available for ii. public scrutiny upon request.
- Members of GRC are prohibited from filing complaint. Any other student may file a 4. complaint with the Grievance Cell, within a period of 3 weeks from the date of declaration of results. All complaints must be filed under the name and signature of the student filing the complaint. The GRC shall, without the least possible delay, act on all complaints but not later than 24 (twenty four) hours from the date of receipt of the complaint by either dismissing them or calling a hearing.
- 5. The GRC may dismiss a complaint if:
- The complaint has not been filed within the time frame prescribed in these rules. : i.

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- The complaints fail to state a cause of action for which relief may be granted. ii.
- The complaint has not and/or not likely to suffer injury or damage by the dismissal. iii.
- If a complaint is not dismissed, then a hearing shall be held. The GRC shall inform, in 6. writing or via e-mail, the complaining party and individuals or groups named in the complaint of the time and place of the hearing. The parties are not considered notified until they have received a copy of the complaint.
- 7. The hearing shall be held at the earliest possible time, but not within twenty four (24) hours after receipt of the notice described above, unless all parties agree to waive the 24 hour time constraint.
- 8. At the time notice of hearing is issued, the GRC by majority opinion, may issue a temporary restraining order, if it satisfied that such action is necessary to prevent undue or adverse effects on any individual or entity. Any restraining order, once issued, will remain in effect until final decision of the GRC is announced after the hearing or until rescinded by the GRC.
- All GRC hearings, proceedings and meetings shall be open to the students, employees and 9. teachers of the College.
- All parties of the GRC hearing shall present themselves at the hearing and may be 10. accompanied by any other student from which they can receive counsel; and have the option to be represented by that accompanying student.
- For any hearing a majority of sitting GRC members must be in attendance with the Chair of 11. the GRC presiding. In the absence of the chair, the responsibility to preside shall fall to a GRC member designated by the Chair.
- The GRC shall determine the modalities of the hearing, but in any event, shall require that 12. both the complaining and responding parties appear physically before the Grievance Cell

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and also of the written objections and rejoinder formats. To effectuate the resolution of dispute/grievance, the following rules shall prevail at all hearings:

- Complaining parties shall be allowed not more than two witnesses, however, the GRC i) may call witnesses as required. If the said witnesses are unable to appear at the hearing, signed affidavits may be submitted to the GRC for the purpose of testimony.
- ii) All questions and discussions by the parties in dispute shall be directed to the GRC.
- iii) There shall be no direct cross - examination of any party or witness by complaining or responding parties during the hearings.
- iv) Responsible time limit may be set by the GRC provided they give fair and equal treatment to both sides.
- The complaining party shall bear the burden of proof. v)
- Decision, orders and ruling of the GRC must be concurred to by a majority of the vi) members of the GRC and the same shall be announced as soon as possible after the hearing. The GRC shall record its findings within 12 hours of announcement of the decision. The written opinion must set forth the findings of fact by the GRC and the conclusions of law in support of it.
- The GRC shall select the remedy most appropriate to both the type and severity of the vii) infracting, as the intent of the violator as determined by the GRC. Such remedies shall include, but are not limited to fines, suspension of campaigning privileges and disqualification from the election, recommended to the Principal of Barbhag College for lodging FIR before police authority.
- Any fine or total amount of fines against a candidate in an election cycle may not exceed the viii) spending limit as defined herein above.

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- ix) If after a hearing, the GRC finds that provisions of these rules have been violated by a candidate, or candidate's agent or workers, the GRC may restrict the candidate, or the candidate's agents or workers, from engaging in same or all campaign activities for some or all of the remainder of the campaign. If an order is issued covering only part of the remaining period it shall take effect immediately so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the election days.
- $\mathbf{x}$ ) If after a hearing the GRC finds that provisions of either these Rules or decisions, opinions orders or ruling of the GRC have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, the GRC may disqualify the candidate and disqualify him from holding office any further.
- Any party adversely affected by a decision of the GRC may file an appeal with the xi) Principal within twenty four (24) hours after the adverse decision is announced. The Principal shall have discretionary appellate jurisdiction over the GRC in all cases in which error on the part of the GRC is alleged.
- The decision of the GRC shall stand and shall have full effect until the appeal is heard xii) and decided by the Principal.
- The Principal of Barbhag College shall hear appeals against the rulings/decisions / xiii) order of the GRC as soon as possible, but not within twenty four (24) hours after the GRC delivers to the appellant and the Principal copies of its rulings / decisions / orders in the case. The Principal shall be entitled to issue suitable orders to suspend of halt the operation of the ruling/decision/order appealed against, until the appeal is finally heard and disposed off.

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Appeal may be heard prior to this time, but only if the Appellant waives the right to a written opinion and the Principal agrees to accept the waiver.

It shall be within the power and jurisdiction of the Principal to affirm or overturn the xiv) ruling/ decision/order of the Grievance Cell or modify the same.

### XIX. Maintenance of Law and Order:

Any instance of acute lawlessness or the commission of a criminal offence shall be reported to Barbhag College Authority or to the local police by the Principal of College as soon as possible.

### XX. Removal of difficulties:

The Principal shall issue necessary instructions/guidelines in consonance with these rules for removal of all the difficulties in the matter of holding elections and matters connected to and ancillary thereto and for smooth conduct of elections and for effective implementation of the directions of the Hon'ble Supreme Court of India and shall also be entitled to effect any amendment to these Rules.

# XXI. Assumption of office and handling over charges:

- After declaration of the result, the newly elected members of Barbhag College 1. Students' Union shall assume the offices after taking oath in presence of the Principal Barbhag College and the members of the Barbhag College Students' Union Election Commission. The Principal, Barbhag College will notify for the assumption of office of the newly elected office bearers of Barbhag College Student Union.
- Any final year student, if elected as an office bearer of Barbhag College Student 2. Union, shall have to handover the charge of his/her office to the President BCSU on expiry of the date up to which he/she has paid his/her College fees of the session or on the due date of



completion of his/her College final examination as a regular student of Barbhag College whichever is later.

As and when the post of the General Secretary, BCSU falls vacant, the Assistant General Secretary, BCSU will be handed over the charge of the office of the General Secretary, BCSU by the President of BCSU.

In the event of the office of the Assistant General Secretary BCSU also falling vacant, the Editor, Barbhag College Magazine will act as the General Secretary, BCSU.

Further, in case the Editor, Barbhag College Magazine is also not in a position to assume the charge, the President, BCSU shall appoint any other office bearer of the, BCSU as he/she thinks fit to assume the charge of the General Secretary of the, BCSU. The handing over the charge of any office bearer to other office bearer shall have to be done by the President BCSU in consultation with the College authority and in presence of Principal, Barbhag College.

- In case of all other outgoing office bearers of Barbhag College Students' Union, the President of BCSU shall exercise his/her power to make alternative arrangements to be in force till the next election of the BCSU.
- Notwithstanding the above, all administrative, financial & academic decisions of 5. Barbhag College Students' Union shall be subject to approval of the Barbhag College Students' Union Election Commission or by an advisory committee formed/chaired by the Chief Election Commissioner i.e. Principal of Barbhag College

XXII. Additional conditions to be followed by the candidates and the voters of the college:

a) A student wishing to be a candidate in the election must collect a nomination form by paying Rs 100 per form.

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- b) Only students of Barbhag College are permitted to collect the nomination form.
- c) A student may collect more than one nomination form.
- d) Any student who has not cleared outstanding fees or dues of the college will not be allowed to contest in the election, nor be a supporter or proposer for any candidate.
- e) A nomination will be allowed to submit in the college upon payment of Rs 500 (five hundred only), which is non-refundable.
- f) Wearing the college uniform is mandatory on the day of vote casting; without it, entry into the college will be denied.
- g) Candidates, their supporters, proposers, polling agents, and voters must bring their College Identity Card or Admission Receipt on the day of vote casting.
- h) Students are not permitted to commence or participate in any formal election campaign meetings, stage campaigns, or similar activities.

Any interpretations of, Barbhag College Students' Union Election Rules, 2022 given by Principal of Barbhag College shall be the final.

> (Dr. Birinchi kr. Choudhury) **Principal** Barbhag College, Kalag, Nalbari, Assam Date: 29.11.2022

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